

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARK KAPITI,

07 Civ. 3782 (RMB) (KNF)

Plaintiff,

-against-

RAYMOND W. KELLY, in his official
Capacity as Commissioner of New York City
Police Department, Property Clerk, New York
City Police Department, and The City of New York,

Defendants.

-----X
THE CITY OF NEW YORK,

**DECLARATION IN SUPPORT
OF FILING REPLY EXHIBITS TO
PRE-ANSWER MOTION TO
DISMISS**

Plaintiff,

-against-

AMERICAN HONDA FINANCE CORPORATION
d/b/a HONDA FINANCIAL SERVICES,

Defendant.

-----X
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

MICHAEL A. ROSENBERG, an attorney duly admitted to practice law before the Courts of the State of New York and the Federal Courts, Southern District of New York, declares the following under penalty of perjury:

1. I am the attorney for Third-Party defendant, AMERICAN HONDA FINANCE CORPORATION s/h/a HONDA FINANCIAL SERVICES ("HONDA"). I make this declaration in connection with the filing of HONDA's Exhibits in Reply, and in further support of its application to

dismiss the Third-Party action.

2. I am fully familiar with the facts and circumstances surrounding this matter.

3. Annexed is the affidavit of TARA SCHOOLCRAFT and Exhibit "1" are excerpts from her deposition testimony.

Dated: New York, New York
July 11, 2008

s/ Michael A. Rosenberg, Esq.
MICHAEL A. ROSENBERG, ESQ. (8770)
Attorney for Third-Party Defendant
AMERICAN HONDA FINANCE CORPORATION
s/h/a HONDA FINANCIAL SERVICES
122 East 42nd Street, Suite 606
New York, New York 10168
(212) 972-3325

TO: By Federal Express
Hon. Richard M. Berman
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

MICHAEL A. CARDOZO
New York City Corporation Counsel
The City of New York
Law Department
100 Church Street
New York, New York 10007
Attn: Philip Frank, Esq.

and
By Hand Delivery
Steven L. Kessler, Esq.
122 East 42nd Street, Suite 606
New York, New York 10168

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CERTIFICATE OF MAILING

THE CITY OF NEW YORK,

Plaintiff,

-against-

AMERICAN HONDA FINANCE CORPORATION
d/b/a HONDA FINANCIAL SERVICES,

Defendant.

-----x

I, DENISE GREEN, being duly sworn, deposes and says:

11. I am not a party to the action. I am over 18 years of age and reside at New York, New York.
12. On July 11, 2008, I served the within Declaration in Support of filing Reply Exhibits upon the parties listed below at the address so designated for that purpose, by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of United States Post Office within New York State, addressed to each of the following persons at the last known address set forth after each name:

By Federal Express
Hon. Richard M. Berman
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Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

MICHAEL A. CARDOZO
New York City Corporation Counsel
The City of New York
Law Department
100 Church Street
New York, New York 10007
Attn: Philip Frank, Esq.

By Hand Delivery
Steven L. Kessler, Esq.
122 East 42nd Street, Suite 606
New York, New York 10168

s/Denise Green
Denise Green

Sworn to before me this
11th day of July, 2008.

s/Michael Alan Rosenberg
Notary Public, State of New York
No. 02R08650935
Qualified in New York County
Commission Expires August 31, 2010

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s/Denise Green
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